

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

JEFFERY STEVEN MYRES,

*Plaintiff,*

v.

DANIEL HOOTEN, *et al.*,

*Defendants.*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No. 1:03-cv-104

Judge Mattice

**ORDER**

Before the Court is United States Magistrate Judge William B. Mitchell Carter's Report and Recommendation [Court Doc. No. 225] which recommends that Defendants Buttry and the City of Chattanooga be awarded costs in the amount of \$7,366.99. In response, Plaintiff submits his "Appeal of Magistrate's Order to District Judge (FRCP 72 (a) [sic]" [Court Doc. No. 228], which the Court will treat as an objection to Magistrate Judge Carter's Report and Recommendation.

This Court must conduct a de novo review of those portions of the Report and Recommendation to which an objection is made and may accept, reject, or modify, in whole or in part, the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1)(C). Plaintiff does not object to the calculation or amount of costs set forth in Magistrate Judge Carter's Report and Recommendation. Instead, he argues that the Report and Recommendation somehow violates "his right to equal protection under the laws." (Appeal of Magistrate's Order to Dist. Judge.) Plaintiff, however, fails to explain or substantiate how "he alone, among a multitude of unsuccessful plaintiffs who have brought civil rights actions against the City of Chattanooga, is being asked to pay

thousands of dollars in costs . . . .” (*Id.*) Plaintiff also fails to demonstrate, or for that matter, to even argue, that no rational basis exists for this allegedly disparate treatment. Accordingly, his equal protection argument fails. See *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000) (per curiam) (“Our cases have recognized successful equal protection claims brought by a ‘class of one,’ where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment.”)

As Plaintiff offers no other grounds for his objection, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter’s Report and Recommendation [Court Doc. No. 225].

SO ORDERED this 9th day of October, 2007.

/s/ Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE